Document 1

Case 4:08-cv-04078-CW

Page 1 of 3

INFRINGEMENT, AND CALIFORNIA UNFAIR COMPETITION [FRCP 38]

Filed 08/26/2008

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Plaintiff MATSUNOKI GROUP, INC., dba HAIKU HOUSES for its Complaint alleges as follows:

Nature of the Action

1. This is an action for willful and/or intentional violations by Defendants of Plaintiff's intellectual property rights, including copyright, trademark, trade dress, and unfair competition, arising out of Defendants' unlawful reproduction, marketing, adaptation, distribution, public display, sale, and offering for sale by Defendants of infringing copies of Plaintiff's registered copyrighted plans, drawings, catalogs, websites, and houses; and unauthorized use and/or infringement of Plaintiff's HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN®, HAIKU HOUSESTM, and HAIKU HOUSETM trademarks, service marks, design marks, and trade dress.

Jurisdiction and Venue

- 2. This action arises under the copyright and trademark laws of the United States, respectively 17 U.S.C. § 101 et seq. and 15 U.S.C. § 1051 et seq., and under California state law governing trade dress and unfair competition, specifically and respectively Business and Professions Code § 17200 et seq.
- This Court has subject matter jurisdiction over these claims as federal questions pursuant to 28 U.S.C. §§ 1331 and 1338(a)(b), and supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Further, the parties are completely diverse in citizenship and the amount in controversy is more than \$75,000, and therefore there is diversity jurisdiction under 28 U.S.C. § 1332. The Court further has pendent jurisdiction of the California state law claim under 28 U.S.C. § 1338(b).
- 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400 in that a substantial part of the property that is the subject of this action may be found in this judicial district, a substantial part of the events giving rise to the claims occurred in this judicial district, and Defendant or its agent(s) may be found in this judicial district. Specifically without limitation, Defendants infringed Plaintiff's intellectual property rights by, *inter alia*, using copyrighted plans to build a copyrighted HAIKU HOUSESTM design in, for example, Jenner,

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California. Further, Defendants also do business in this judicial district, including, on information and belief, contracting with third party vendors located here.

The Parties

- 5. Plaintiff MATSUNOKI GROUP, INC., doing business as HAIKU HOUSES, is a Tennessee corporation with its principal place of business in Nashville, Tennessee. For more than thirty years, Plaintiff has custom-designed houses for clients worldwide, including the United States, Great Britain, France, the Netherlands, and the Caribbean area.
- 6. On information and belief, Defendant TIMBERWORK OREGON, INC. ("Timberwork Oregon") is an Oregon corporation with its principal place of business located at 747 SE 27th St., Gresham, Oregon 97030 or 200 East Powell Blvd. #102, Gresham, OR 97030.
- 7. On information and belief, Defendant TIMBERWORK, INC. ("Timberwork") is an Oregon corporation with its principal place of business located at 747 S E 27th St., Gresham, Oregon 97030 or 200 East Powell Blvd. #102, Gresham, OR 97030.
- 8. On information and belief, Defendant EARL MAURY BLONDHEIM ("Blondheim") is an individual residing in Gresham, Oregon.
- 9. On information and belief, Defendant JOAN L. SHUELL is an individual residing at 30 SE 16 Ct., Troutdale, OR 97060.
- 10. On information and belief, Defendant DON PAUL is an individual residing in San Francisco County or Sonoma County, California.
- 11. On information and belief, Defendant ILENE ENGLISH-PAUL is an individual residing in San Francisco County or Sonoma County, California.
- 12. The identities of Defendants DOES 1 through 10 are currently unknown to Plaintiff, but on information and belief, said Defendants are liable in whole or part for the matters alleged herein. Plaintiff will seek leave of court to add them by name when their identities are ascertained.
- 13. On information and belief, each Defendant was, at all times herein mentioned and relevant to liability, a servant, agent, and/or employee of each other Defendant and was acting within the course and scope of such agency and/or employment on behalf of and with the consent,

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knowledge, and permission of each other, and each said Defendant ratified the conduct of all remaining Defendants.

This Court has personal jurisdiction over each of the Defendants by virtue of their 14. residence in this judicial district and/or their conducting business in this judicial district, their contacts and transaction of business in this judicial district, and their delivery into the stream of commerce in this district the products accused herein of violating Plaintiff's intellectual property rights.

Plaintiff's Intellectual Property Rights at Issue

By virtue of Plaintiff's extensive design, development, sales, and marketing 15. activities regarding houses, Plaintiff has amassed a substantial portfolio of intellectual property rights including copyrights, numerous trademarks, identifying trade dress, and other source identifiers. Such intellectual property is of particular importance in the custom housing industry. These intellectual property rights are of substantial value to Plaintiff's business, including its ability to maintain goodwill with respect to its product line and customers. Plaintiff's careful maintenance of its intellectual property rights is an important factor in the success of its business over the past thirty years.

Plaintiff's Registered Copyrights

- Plaintiff produces and sells housing and housing design featuring architecture 16. influenced by 16th century Japan. Plaintiff has carefully designed each home to be unique in the industry and has protected its corresponding intellectual property, including Plaintiff's catalogs, plans, websites, and finished housing, by securing registered copyrights including the following (collectively referred to as the "the Copyrights"):
 - (1) United States Copyright Registration No. TX 5-997-501 for Haiku Houses Country Houses of 16th Century Japan© catalog of house plans with date of first publication June 15, 1989;
 - (2) United States Copyright Registration No. TX 5-997-499 for Haiku Houses Country Houses of 16th Century Japan© catalog of house plans with date of first publication June 15, 1994;

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(3) United States Copyright Registration No. VA 1-318-054 for Haiku Houses Builder's
Guide© with date of first publication June 15, 1996;

- (4) United States Copyright Registration No. TX 5-997-502 for Haiku Houses Country Houses of 16th Century Japan© catalog of house plans with date of first publication June 15, 1996;
- (5) United States Copyright Registration No. TX 5-997-500 for Haiku Houses Country Houses of 16th Century Japan© catalog of house plans with date of first publication June 15, 1999;
- (6) United States Copyright Registration No. VA 1-318-053 for Haiku Houses Builder's Guide© with date of first publication November 1, 2001.
- (7) United States Copyright Registration No. VA 1-269-859 for Haiku Houses Country Houses of 16th Century Japan® website with date of first publication November 15, 1999.

(True and correct copies of the aforementioned registrations are attached collectively hereto as Exhibit A.)

Plaintiff's Registered and Common Law Trademarks

- Plaintiff has been selling and offering for sale goods and services under the 17. trademark HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN® worldwide and in this judicial district since at least as early as 1987. A mong other things, Plaintiff owns United States Trademark Registration No. 1940716 for HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN® for manufactured homes featuring architecture influenced by ancient Japanese country house design. (A true and correct copy of said trademark registration is attached hereto as Exhibit B.)
- In addition to the registered HAIKU HOUSES COUNTRY HOUSES OF 16^{TH} 18. CENTURY JAPAN® mark, Plaintiff has common law trademark rights to the HAIKU HOUSESTM and HAIKU HOUSETM marks, due to its usage of the marks in commerce on distinctive homes since at least as early as 1987.

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Defendants' Acts of Copyright Infringement

- 19. Defendants, and each of them, have intentionally infringed the Copyrights through the reproduction, marketing, distribution, alteration, public display, and the sale and offering for sale of unauthorized, counterfeit, and/or substantially similar products.
- 20. By way of example only, Defendants, through their online websites, www.naracountryhomes.com, and www.naracountryhomes.net, have displayed and offered for sale products that infringe the Copyrights. (True and correct copies of webpages illustrating the infringing product are attached hereto as Exhibit C.)
- 21. Additionally, defendants have offered for sale products that infringe the Copyrights through their print catalogs (whether in electronic or printed format) that are themselves also infringing.
- 22. By way of further example only, defendants, and each of them, have constructed an infringing HAIKU HOUSE™ in or around Jenner, California ("the Jenner House"), which was built based in whole or in substantial part on Plaintiff's copyrighted plans and drawings. As a result, the Jenner House infringes the Copyrights, and each of them.
- 23. Defendants have been placed on notice of the facts and circumstances referenced above on various occasions.

Defendants' Acts of Trademark/Trade Dress Infringement

- 24. Defendants, and each of them, have intentionally infringed the HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN® registered trademark and HAIKU HOUSESTM and HAIKU HOUSETM common law trademarks (collectively, the "Marks") by placing their products in the stream of commerce resulting in a likelihood of confusion as to source, origination, affiliation, or sponsorship of those products by the ordinary consumer; and further through falsely designating their origin as being somehow affiliated with Plaintiff.
- 25. By way of example only, Defendants, through their online websites,

 www.timberwork.com, www.naracountryhomes.com, and www.naracountryhomes.net, have

 offered for sale products bearing the HAIKU HOUSES COUNTRY HOUSES OF 16TH

 CENTURY JAPAN®, HAIKU HOUSESTM, and HAIKU HOUSETM trademarks and/or service

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marks.	Defendants'	websites display	Plaintiff's	trademarks,	service marks,	and trade	dress, bu
the disp	olay is not ge	nuine Plaintiff pro	oduct.				

- 26. Additionally, defendants have offered for sale through their infringing print catalogs (electronic or printed format) HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN® and HAIKU HOUSESTM. The description of these products includes false and misleading statements. Not only are these products not genuine Plaintiff products, but at no time has any Defendant been authorized to offer for sale and/or to represent these products as originating from Plaintiff.
- Defendants have been placed on notice of the facts and circumstances referenced 27. above on various occasions.

FIRST CLAIM FOR RELIEF

Copyright Infringement

(against all Defendants)

- Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 28. 27 above and incorporates same under this claim for relief.
 - 29. Plaintiff is the owner of the Copyrights.
- The Copyrights are original to Plaintiff and are copyrightable subject matter under 30. the laws of the United States.
- Plaintiff has obtained duly issued United States Copyright registrations for the 31. Copyrights.
- 32. Plaintiff has promoted and sold its proprietary plans, catalogs, and housing, as alleged herein, with express notice of Plaintiff's copyrights on the products themselves and/or on the product packaging. Further, Defendants have been provided constructive notice through the above-referenced copyright registrations.
- Notwithstanding Plaintiff's valid copyrights, Defendants, at a yet unascertained 33. date, but no earlier than the effective date of registration of each of the subject copyrights, or within three months of the date of first publication of each, and without the consent of Plaintiff,

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commenced the unlawful production, distribution, reproduction, public display, marketing and
sale of infringing product, and Defendants continue to do so currently.

- A substantial similarity, as determined by an ordinary observer, exists between 34. Defendants' infringing products and Plaintiff's copyrighted products as alleged herein.
- 35. On information and belief, Defendants' actions have been undertaken with full knowledge and/or reckless disregard that they violated Plaintiff's copyrights, notice of which was expressly and constructively provided. Defendants' copyright infringement was thereby and therefore intentional and/or willful.
- As a result of the foregoing, Plaintiff has been damaged in an amount to be proven, 36. and Defendants have been unjustly enriched in an amount to be proven. In addition, as a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of trademark infringement are enjoined by this Court, Plaintiff will continue to suffer irreparable harm. Plaintiff is also entitled to disgorgement of profits, attorneys' fees, statutory damages, and the costs of this action.

SECOND CLAIM FOR RELIEF

Trademark Infringement (15 U.S.C. § § 1114, § 1125(a)) (against all Defendants)

- Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 37. 36 above and incorporates same under this claim for relief.
- 38. Plaintiff possesses valid rights in the HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN®, HAIKU HOUSES™, and HAIKU HOUSE™ trademarks, service marks, design marks, and trade dress.
- Defendants, and each of them, have used the Marks and/or counterfeit marks in 39. commerce and in connection with the sale, offering for sale, distribution, or advertising of their goods and/or services.
- Defendants' actions in connection with the sale, offering for sale, distribution, or 40. advertising of their goods and/or services in interstate commerce without consent of Plaintiff

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constitute infringement and/or counterfeiting of the Marks and have caused and continue to cause a likelihood of confusion, in violation of 15 U.S.C. § § 1114 and 1125(a).

By reason of the foregoing, Plaintiff has been injured in an amount to be proven. 41. In addition, as a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of trademark infringement are enjoined by this Court, Plaintiff will continue to suffer irreparable harm. Defendants' actions have been knowing, intentional, wanton, and willful, entitling Plaintiff to damages, treble damages, profits, attorneys' fees, statutory damages, and the costs of this action.

THIRD CLAIM FOR RELIEF

Common Law Trademark Infringement (against all Defendants)

- Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 42. 41 above and incorporates same under this claim for relief.
- Defendants' actions in connection with the sale, offering for sale, distribution, or 43. advertising of their goods and/or services in interstate commerce without consent of Plaintiff constitute infringement and/or counterfeiting of the Marks and have caused and continue to cause a likelihood of confusion, in violation of common law trademark rights and have caused and continue to cause a likelihood of confusion, mistake, and deception as to source, sponsorship, affiliation, and/or connection in the minds of the public.
- 44. By reason of the foregoing, Plaintiff has been injured in an amount to be proven. In addition, as a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of trademark infringement are enjoined by this Court, Plaintiff will continue to suffer irreparable harm. Defendants' actions have been knowing, intentional, wanton, and willful, entitling Plaintiff to damages, treble damages, profits, attorneys' fees, statutory damages, and the costs of this action.

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FOURTH CLAIM FOR RELIEF

False Designation of Origin

(against all Defendants)

- Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 45. 44 above and incorporates same under this claim for relief.
- Defendants' actions in adapting, marketing, reproducing, publicly displaying, 46. selling and offering to sell, and distributing infringing versions of the HAIKU HOUSES COUNTRY HOUSES OF 16TH CENTURY JAPAN®, HAIKU HOUSES™, HAIKU HOUSETM, and NIKKO FARMHOUSETM in interstate commerce without consent of Plaintiff constitute false designation of origin in violation of 15 U.S.C. § 1125(a), and have caused and continue to cause a likelihood of confusion, mistake, and deception as to source, sponsorship, affiliation, and/or connection in the minds of the public.
- By reason of the foregoing, Plaintiff has been injured in an amount to be proven. 47. In addition, as a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of Defendants are enjoined by this Court, Plaintiff will continue to suffer irreparable harm. Defendants' actions have been knowing, intentional, wanton, and willful entitling Plaintiff to damages, treble damages, profits, attorneys' fees, statutory damages, and the costs of this action.

FIFTH CLAIM FOR RELIEF

Trade Dress Infringement

(against all Defendants)

- Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 48. 47 above and incorporates same under this claim for relief.
- Plaintiff possesses valid rights in the Marks including, but not limited to, trade 49. dress in connection with the packaging of its products and the products themselves.

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	50.	Defendants, and each of them, have used the Marks and/or counterfeit marks in
comme	erce and	d in connection with the sale, offering for sale, distribution, or advertising of their
goods	and/or	services.

- Defendants' actions in connection with the sale, offering for sale, distribution, or 51. advertising of their goods and/or services in interstate commerce without consent of Plaintiff constitute trade dress infringement and/or counterfeiting of the Marks and have caused and continue to cause a likelihood of confusion in violation of 15 U.S.C. § § 1114 and 1125(a) and the common law.
 - The trade dress in the product trade dress is not functional. 52.
- The product trade dress has acquired secondary meaning. The packaging trade 53. dress is inherently distinctive or has acquired distinctiveness.
- In terms of the product trade dress, the following elements of the product design 54. compose the asserted trade dress:
- The physical spaciousness incorporated in the HAIKU HOUSES (a) COUNTRY HOUSES OF 16TH CENTURY JAPAN® housing;
 - (b) The number, layout, and spacing of windows;
 - The manner of airflow within the house; (c)
 - The type, design, and size of the wood framing and structural system; (d)
 - The design and style of the Grand Veranda. (e)
- By reason of the foregoing, Plaintiff has been injured in an amount to be proven. 55. In addition, as a result of Defendants' unlawful acts Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of infringement are enjoined by this Court, Plaintiff will continue to suffer irreparable harm. Defendants' actions have been knowing, intentional, wanton, and willful, entitling Plaintiff to damages, treble damages, profits, attorneys' fees, statutory damages, and the costs of this action.

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SIXTH CLAIM FOR RELIEF

Unfair Competition Under California Bus. & Prof. Code § 17200 et seq. (against All Defendants)

- 56. Plaintiff repeats and re-alleges the allegations contained in Paragraphs 1 through 55 above and incorporates same under this claim for relief.
- 57. By and through Defendants' conduct, including the conduct detailed above, Defendants have engaged in activities that constitute unlawful, unfair, or fraudulent business practices and/or unfair, deceptive, untrue, or misleading advertising prohibited by Business & Professions Code Section 17200 et seq.
- 58. Defendants' acts of trade dress and trademark infringement and/or vicarious and contributory trade dress and trademark infringement, as alleged above, constitute unfair competition actionable under the laws of the State of California as unlawful business acts or practices in that, *inter alia*, said acts violate the federal Lanham Act, 15 U.S.C. § 1051 *et seq*.
- 59. As a result of Defendants' said acts of unfair competition, Plaintiff has suffered and will continue to suffer irreparable harm, and Plaintiff has no adequate remedy at law with respect to this injury. Unless the acts of unfair competition are enjoined by this Court, Plaintiff will continue to suffer irreparable harm.
- 60. As a direct and legal result of Defendants' unlawful, unfair, and fraudulent conduct described above, Defendants have been and will be unjustly enriched with ill-gotten gains.

WHEREFORE, Plaintiff prays the Court grant relief as follows:

- Judgment that Plaintiff's registered and common law trademarks and trade dress have been infringed by Defendants and a declaration that this case is "exceptional" as described under the Lanham Act.
 - 2. Judgment that Defendants, and each of them, have infringed the Copyrights.
- 3. Preliminary and permanent injunctions against Defendants and those additional parties specified in Federal Rule of Civil Procedure 65(d) as to Defendants' continued infringement of the subject copyrights and trademarks.

4.	Actual damages in an amount to be	proven or statutory damages at Plaintiff's sole
election prior	to entry of final judgment.	
5.	An accounting and disgorgement of	f profits and damages resulting from
Defendants' o	copyright infringement, trademark inf	Fringement, trade dress infringement, and unfair
competition,	and trebling and/or enhancement of s	uch damages under the copyright and
trademark lav	ws because of the knowing, intentiona	al, willful, and/or wanton nature of Defendants'
conduct.		
6.	Pre-judgment and post-judgment in	terest.
7.	An award of attorneys' fees.	
8.	An award of punitive damages for i	ntentional and willful acts.
9.	Costs.	
10.	Such other and further relief as the	Court deems just and equitable under the
circumstances	S.	
Dated: Augu	by _	Respectfully submitted, GORDON & REES, LLP Richard P. Sybert/Craig J. Mariam Attorneys for Plaintiff MATSUNOKI GROUP, INC., doing business as HAIKU HOUSESTM

REQUEST FOR JURY TRIAL

Pursuant to Rule 38, Federal Rules of Civil Procedure, Plaintiff hereby demands its right to a jury trial on all issues triable to a jury.

Dated: August 26, 2008

Respectfully submitted, GORDON & REES LLP

by

Richard P. Sybert/Craig J. Mariam
Attorneys for Plaintiff
MATSUNOKI GROUP, INC., doing business
as HAIKU HOUSESTM

275 Battery Street, Suite 2000 Gordon & Rees LLP

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Exhibit "A"

Additional Certificate (17 U.S.C. 706)



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

EFFECTIVE DAYE OF REGISTRATION

	Register of Co	pyrights, United States of America	5-13-04
			Month Day Year
	DO NOT WRITE ABOVE THIS	LINE. IF YOU NEED MORE SPACE, USE A SEPARA	
	TITLE OF THIS WORK ▼	ry Houses of 16th Century Japan Catalog, 1989	A Committee of the comm
	PREVIOUS OR ALTERNATIV	E TITLES ▼	5/4/5/4/5/5/5/5/5/5/5/5/5/5/5/5/5/5/5/5
	PUBLICATION AS A CONTRI collective work in which the contribu	BUTION If this work was published as a contribution to a p tion appeared. Title of Collective Work V	periodical, serial, or collection, give information about the
	If published in a periodical or serial g	ive: Volume ▼ Number ▼	Issue Dâte.♥ On Pages ♥
F)	NAME OF AUTHOR ▼		
a	Haiku Houses, Ltd.		DATES OF BIRTH AND DEATH Year Born V Year Died V N/A N/A
	Was this contribution to the work a "work made for hire"? Yes	AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of USA	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
	□ No	Domiciled in	Anonymous? Yes W No of these questions Yes, ase defined
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oloyer, not employee Instruc- i): For any	Was this contribution to the work a "work made for hire"? [] Yes	AUTHOR'S NATIONALITY OR DOMICILE Name of Country OR Citizen of	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
of this that was	□ No	Domiciled in	— Anonymous? ☐ Yes ☐ No of these questions Yes, see detailed — Pseudonymous? ☐ Yes ☐ No instructions.
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h blank.	WATCHE OF AUTHORSHIP BE	efly describe nature of material created by this author in which	h copyright is claimed: V
a	YEAR IN WHICH CREATION O WORK WAS COMPLETED THIS 1989	F/THIS DATE AND NATION OF FIRST PUT internation Only if this promission Month # Jun to gheen published. United State	
	COPYRIGHT CLAIMANT(S) Nai the author given in space 2. V	ne and address must be given even if the claimant is the same	4 Nub
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completing	Nashville, TN 37221		TWO DEPOSITS RECEIVED
	fame as Barra a price segrepate the Ol Lift A. It.	here in space 4 is (see) different from the author(s) named in a claimont(s) obtained ownership of the copyright.	50 50 FUNDS RECEIVED
	Assignment		

*Ameno	led by C.O. per e-mail from Susan Lutzker red on July 28, 2004.	EXAMINED BY	FORM TX
		CHECKED BY	
*		CORRESPONDENCE	FOR COPYRIGHT
1		Yes	OFFICE
			ONLY
	DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, US		
PREVIOUS	REGISTRATION Has registration for this work, or for an earlier version of this v	ork, already been made in the Copyright Office?	Property and the second
a ∏ This is th	If your answer is "Yes," why is another registration being sought? (Check appropr is first published edition of a work previously registered in unpublished form.	iate box.) ▼	, 5
b. [] This is th	e first application submitted by this author as copyright claimant.		
c. 🗆 This is a	thanged version of the work, as shown by space 6 on this application.		
If your answer	ria "Yes," give: Previous Registration Number	Year of Registration ▶	• •
DERIVATIV	VE WORK OR COMPILATION		
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Malerial Adde	ed to This Work. Give a brief, general statement of the material that has been added	to this work and in which copyright is claimed. ▼	before completing this space.
– Pro-existi s	ag work is unavailable for review *additional and	revised text and images	D
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Lutzker,	Lutzker & Settlemyer LLP, Attn: Susan J. Lutzker mont Avenue, NW, Suite 450	AND OF SELECTION AND CHARGE SELECT	b
	on, D.C. 20005		•
Area code and de	eykine telephone number ▶ 202-408-7600	Fex number > 202_408_7677	
Email >		Fax number ► 202-408-7677	•
\$1152	n@lutzker.com		
CERTIFICA'	TION* I, the undersigned, hereby certify that I am the		
	Check only one ▶ ☐ other copyright		
of the work ide	entified in this application and that the statements made	sive right(s) nt of _Matsunoki Group, Inc. d/b/a Haiku Hous	
by me in this a		ne of author or other copyright claimant, or owner of auchashe right(s)	
Typed or print	ted name and date ♥ If this application gives a date of publication in space 3, do not	elem and authorit it helem that date	<u>. </u>
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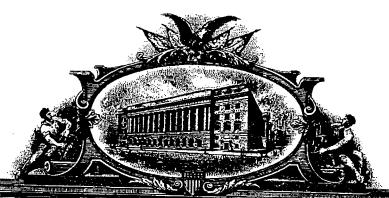
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Exhibit "B"



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

July 02, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,940,716 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM December 12, 1995
1st RENEWAL FOR A TERM OF 10 YEARS FROM December 12, 2005
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

MATSUNOKI GROUP, INC. A TENNESSEE CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office

M. TARVER

Certifying Officer



Page 32 of 34

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

United States Patent and Trademark Office Registered Dec. 12, 1995

TRADEMARK PRINCIPAL REGISTER

HAIKU 倉 HOUSES COUNTRY HOUSES OF 16TH CENTURY MPAN

STEEN, GORDON R. (UNITED STATES CITIZEN)
250 NEWPORT CENTER DRIVE, SUITE 201
NEWPORT BEACH, CA 92660

FOR: PRE-FABRICATED HOMES FEATURING ARCHITECTURE INFLUENCED BY ANCIENT JAPANESE COUNTRY HOUSE DESIGN SOLD IN ASSEMBLED, PARTIALLY ASSEMBLED AND KIT FORM, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 4-1-1987. IN COMMERCE

FIRST USE 4-1-1987; IN COMMERCE 4-1-1987.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOUSES" AND/OR THE

WORDING AND NUMBERING "COUNTRY HOUSES OF 16TH CENTURY JAPAN", APART FROM THE MARK AS SHOWN.

THE JAPANESE SYMBOL COMPRISING A PORTION OF THE MARK MAY BE TRANSLITERATED AS "KURA" AND IS THE JAPANESE SYMBOL FOR A STOREHOUSE OR WAREHOUSE.

SER. NO. 74-553,203, FILED 7-25-1994.

SIDNEY I. MOSKOWITZ, EXAMINING ATTORNEY

Exhibit "C"



